

STATE OF INDIANA)	IN THE DAVIESS CIRCUIT COURT
) SS:	
COUNTY OF DAVIESS)	CAUSE NO. <u>14C01-0403-PL-105</u>
STATE OF INDIANA,)	
)	
Plaintiff,)	
)	
v.)	
)	
APRIL HOCHSTETLER,)	
)	
Defendant.)	

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment Against April Hochstetler and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendant, April Hochstetler.
2. The Defendant was served with notice of these proceedings and a copy of the Complaint for Injunction, Restitution, Costs and Civil Penalties.
3. The Defendant has failed to appear, plead, or otherwise respond to the complaint.
4. The Defendant is not an infant, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendant, April Hochstetler.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendant, April Hochstetler, is permanently enjoined from engaging in the following:

- a. representing expressly or by implication that the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or reasonably should know it does not have;
- b. representing expressly or by implication that the subject of a consumer transaction will be supplied to the public in greater quantity than the Defendant intends or reasonably expects;
- c. representing expressly or by implication that the Defendant is able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendant knows or reasonably should know that she can not; and
- d. representing expressly or by implication that a consumer will be able to purchase the subject of a consumer transaction as advertised by the Defendant, if the Defendant does not intend to sell it.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered for the Plaintiff, State of Indiana, against the Defendant, April Hochstetler, as follows:

- a. The contracts previously entered into by the Defendant with consumers Zachary Blodget, Felicia Jones, William DePaolis, Nicholas Drysdale, Roger Wyer and Ty Fann, are cancelled pursuant to Ind. Code § 24-5-0.5-4(d).
- b. The Defendant shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Zachary Blodget of Chicago, Illinois, in the amount of Two Thousand Dollars (\$2,000.00), payable to the Office of the Attorney General;
- c. The Defendant shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Felicia Jones of Bronx, New York, in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00), payable to the Office of the Attorney General;

- d. The Defendant shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), for William DePaolis of East Hanover, New Jersey, in the amount of Thirty-Five Dollars (\$35.00), payable to the Office of the Attorney General;
- e. The Defendant shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), for Nicholas Drysdale of Metamora, Michigan, in the amount of One Thousand Dollars (\$1,000.00), payable to the Office of the Attorney General;
- f. The Defendant shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of One Thousand Six Hundred Eleven Dollars and Eleven Cents (\$1,611.11);
- g. The Defendant shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendant's knowing violations of the Deceptive Consumer Sales Act, in the amount of Six Thousand Dollars (\$6,000.00), payable to the State of Indiana; and
- h. The Defendant shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendant's intentional violations of the Deceptive Consumer Sales Act, in the amount of Six Thousand Dollars (\$6,000.00), payable to the State of Indiana.

For a total monetary judgment in the amount of Seventeen Thousand Eight Hundred Ninety-Six Dollars and Eleven Cents (\$17,896.11).

ALL ORDERED, ADJUDGED AND DECREED on this 17 day of June,

2004.


Judge, Daviess Circuit Court

Distribution:

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